IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 33579 of 2006(V)

AGAINST THE ORDER IN EP 73/06 IN EP 86/04 IN OS.72/1995 of SUB COURT, QUILANDY

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PETITIONER:

MADHAVAN NAMBEESAN,
S/O. NARAYANAN NAMBEESAN,
NELLIYULLATHIL,
THRIKKUTTYSSERI AMSOM DESOM,
KOYILANDY TALUK,
KOZHIKODE DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS:

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1. P.M. JANAKI BRAHMANIYAMMA,
W/O. NARAYANAN NAMBEESAN,
SREENILAYAM,
KOTTOOR AMSOM DESOM,
KOYILANDY TALUK,
KOZHIKODE DISTRICT.
2. P.M. KRISHNADASAN,
S/O. NARAYANAN NAMBEESAN,
KARUNA,
THRIKKUTTYSSERI AMSOM, VAKAYAD DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT.
3. P.M. MADHUSOODANAN,
S/O. NARAYANAN NAMBEESAN,
SREENILAYAM,
KOTTOOR AMSOM DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT.
4. P.M. LEELAMANI,
D/O. NARAYANI NAMBEESAN,
SREENILAYAM,
MAKKADA AMSOM DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT.
5. P.M. REMADEVI,
D/O. NARAYANAN NAMBEESAN,
B5-2581/A, SOUTH JANATHA ROAD,
PALARIVATTOM, KOCHI – 682 025.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.33579 OF 2006

DATED THIS THE 18th DAY OF DECEMBER, 2006

JUDGMENT

Petitioner is the second judgment debtor in E.P.86/04 filed by respondents for realisation of the owelty and share of profits due to them. Property of petitioner was sold in public auction. It was purchased by decree holder auction purchaser. Petitioner did not file an application under Order XXI Rule 90 of Code of Civil Procedure to set aside the sale within the period. Sale was confirmed. Thereafter, application under Order XXI Rule 90 was filed. The decree holder also sought delivery of property. The grievance of petitioner is that without passing any order in E.A. 496/06, the application filed under Rule 90 of Order XXI executing Court has passed an order in E.A.73/06, application filed by decree holder seeking delivery. It was contended that though he has applied for carbon copy of the order, it was not granted. This petition is filed for a direction to Sub Judge, Quilandy to issue carbon copy of the order dated. 12.12.06 in E.A.73/06.

Sub Judge, Quilandy is directed to issue carbon copy of the order as sought for by petitioner, without further delay and in any event within seven days from the receipt of a copy of this judgment.

The order of delivery is stayed for ten days.

M.SASIDHARAN NAMBIAR,JUDGE

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